

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
ALISA BETH WIENER and LEWIS STEVEN WIENER,  
individually and AS CO-PERSONAL REPRESENTATIVES  
OF THE ESTATE OF JILLIAN ROSE WIENER and  
THE ESTATE OF LINDSAY ELIZA WIENER,  
ZACHARY WIENER

22-cv-07081  
(GRB)(ARL)

**NOTICE OF APPEAL**

Plaintiff,

-against-

PAMELA A. MILLER, PETER C. MILLER,  
3 SPRING LANE I LLC, 3 SPRING LANE II LLC,  
HOMEAWAY.COM, INC., VRBO HOLDINGS, INC.


Defendants.  
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Plaintiffs having previously moved for an Order pursuant to Rule 54(b) certifying the Order of September 29, 2023, dismissing Homeaway.com, Inc. and VRBO Holdings, Inc., as a final judgement, and the application having been denied in an Order dated November 17, 2023, wherein the District Court ruled, **“Entry of final judgment will wait until resolution of the balance of the case.”**

The resolution of the claims against the remaining parties having been So Ordered by the District Court and the case marked terminated as of September 17, 2024.

Notice is hereby given that, Plaintiffs in the above-named case, hereby appeal to the United States Court of Appeals for the Second Circuit from the Memorandum and Order dismissing certain parties (ECF No. 44) entered in this action on the 29<sup>th</sup> day of September 2023, and all related orders.

Dated: Melville, New York  
October 9, 2024

  
\_\_\_\_\_  
Andres F. Alonso (AFA 8307)  
ALONSO KRANGLE LLP  
*Attorney for Plaintiffs*  
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APPEAL, ACO

**U.S. District Court  
Eastern District of New York (Central Islip)  
CIVIL DOCKET FOR CASE #: 2:22-cv-07081-GRB-ARL**

Wiener et al v. Miller et al  
Assigned to: Judge Gary R. Brown  
Referred to: Magistrate Judge Arlene R. Lindsay  
Cause: 28:1332 Diversity–Personal Injury

Date Filed: 11/21/2022  
Date Terminated: 09/17/2024  
Jury Demand: Plaintiff  
Nature of Suit: 360 P.I.: Other  
Jurisdiction: Diversity

**Plaintiff**

**Alisa Beth Wiener**

represented by **Andres F. Alonso**  
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**ATTORNEY TO BE NOTICED**

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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Lewis Steven Wiener**

*As co–personal representatives of the  
estate of Jillian Rose Wiener, Alisa Beth  
Wiener and Lewis Steven Wiener as  
co–personal representatives of the estate  
of Lindsay Eliza Wiener, Alisa Beth  
Wiener, individually, Lewis Steven  
Wiener individually*

represented by **Andres F. Alonso**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**David Bruce Krangle**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**Zachary Weiner**

represented by **Andres F. Alonso**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**David Bruce Krangle**  
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**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Pamela A. Miller**

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*ATTORNEY TO BE NOTICED*

**Defendant**

**Peter C. Miller**

represented by **Angela A. Lainhart**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**3 Spring Lane I LLC**

**Defendant**

**3 Spring Lane II LLC**

**Defendant**

**HomeAway.com, Inc.**  
*TERMINATED: 09/29/2023*

represented by **Daniel Z. Rivlin**  
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*ATTORNEY TO BE NOTICED*

**Defendant**

**Vrbo Holdings, Inc.**  
*TERMINATED: 09/29/2023*

represented by **Daniel Z. Rivlin**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Alexander Sixto Del Nido**  
(See above for address)

*ATTORNEY TO BE NOTICED***Harvey J Wolkoff**

(See above for address)

*ATTORNEY TO BE NOTICED***Luke William Nikas**

(See above for address)

*ATTORNEY TO BE NOTICED*

Date Filed	#	Docket Text
11/21/2022	<u>1</u>	COMPLAINT against All Defendants Was the Disclosure Statement on Civil Cover Sheet completed –No., filed by Alisa Beth Wiener, Lewis Steven Wiener, Zachary Weiner. (Attachments: # <u>1</u> Summons #1, # <u>2</u> Summons #2, # <u>3</u> Summons #3, # <u>4</u> Summons #4, # <u>5</u> Summons #5, # <u>6</u> Summons #6, # <u>7</u> Civil Cover Sheet) (CL) Modified on 11/23/2022 to modify text(JC). (Entered: 11/22/2022)
11/21/2022		FILING FEE: \$ 402.00, receipt number ANYEDC-16158342 (CL) (Entered: 11/22/2022)
11/22/2022	<u>2</u>	This attorney case opening filing has been checked for quality control. See the attachment for corrections that were made. (CL) (Entered: 11/22/2022)
11/22/2022		Case Assigned to Judge Gary R. Brown and Magistrate Judge Arlene R. Lindsay. Please download and review the Individual Practices of the assigned Judges, located on our <u>website</u> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (CL) (Entered: 11/22/2022)
11/22/2022	<u>3</u>	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that <i>if</i> all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically <b>only if all</b> parties wish to consent. The form may also be accessed at the following link: <a href="http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf">http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf</a> . <b>You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent.</b> (CL) (Entered: 11/22/2022)
11/22/2022		Your proposed summons was not issued for one of the following reasons: <b>The name on the summons does not match the name as it appears on the complaint. If the full caption does not fit, you must attach a rider to the summonses.</b>  Please correct and resubmit using Proposed Summons/Civil Cover Sheet. (CL) (Entered: 11/22/2022)
11/22/2022	<u>4</u>	Proposed Summons.Civil Cover Sheet.. by Alisa Beth Wiener (Attachments: # <u>1</u> Proposed Summons, # <u>2</u> Proposed Summons, # <u>3</u> Proposed Summons, # <u>4</u> Proposed Summons, # <u>5</u> Proposed Summons, # <u>6</u> Proposed Summons) (Alonso, Andres) (Entered: 11/22/2022)
11/23/2022	<u>5</u>	Summons Issued as to 3 Spring Lane I LLC, 3 Spring Lane II LLC, HomeAway.com, Inc., Peter C. Miller, Pamela A. Miller, Vrbo Holdings, Inc.. (JC) (Entered: 11/23/2022)
12/07/2022	<u>6</u>	First MOTION for Extension of Time to File Response/Reply to <i>Complaint</i> by HomeAway.com, Inc., Vrbo Holdings, Inc.. (Rivlin, Daniel) Modified on 12/8/2022 (RI). (Entered: 12/07/2022)
12/08/2022		ORDER re <u>6</u> : The time for HomeAway.com, Inc. and Vrbo Holdings, Inc. to answer, move or otherwise respond to the complaint is extended to and including February 2, 2023. Ordered by Magistrate Judge Arlene R. Lindsay on 12/8/2022. c/ecf (RI) (Entered: 12/08/2022)

12/15/2022	<u>7</u>	NOTICE of Appearance by Angela A. Lainhart on behalf of Peter C. Miller (aty to be noticed) (Lainhart, Angela) (Entered: 12/15/2022)
12/15/2022	<u>8</u>	NOTICE of Appearance by Angela A. Lainhart on behalf of Pamela A. Miller (aty to be noticed) (Lainhart, Angela) (Entered: 12/15/2022)
12/21/2022	<u>9</u>	First MOTION for Extension of Time to File Answer by Peter C. Miller. (Lainhart, Angela) (Entered: 12/21/2022)
12/21/2022	<u>10</u>	First MOTION for Extension of Time to File Answer by Pamela A. Miller. (Lainhart, Angela) (Entered: 12/21/2022)
12/22/2022		ORDER granting <u>9</u> Motion for Extension of Time to Answer. The time for Pamela A. Miller to answer, move against or otherwise respond to the Complaint is extended until February 2, 2023. Ordered by Magistrate Judge Arlene R. Lindsay on 12/22/2022. (BJ) (Entered: 12/22/2022)
12/22/2022		ORDER granting <u>10</u> Motion for Extension of Time to Answer. The time for Peter C. Miller to answer, move against or otherwise respond to the Complaint is extended until February 2, 2023. Ordered by Magistrate Judge Arlene R. Lindsay on 12/22/2022. (BJ) (Entered: 12/22/2022)
12/27/2022	<u>11</u>	SUMMONS Returned Executed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. Peter C. Miller served on 11/28/2022, answer due 2/1/2023; Pamela A. Miller served on 11/28/2022, answer due 2/2/2023. (Alonso, Andres) (Entered: 12/27/2022)
12/27/2022	<u>12</u>	SUMMONS Returned Executed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. 3 Spring Lane I LLC served on 11/28/2022, answer due 12/19/2022. (Alonso, Andres) (Entered: 12/27/2022)
12/27/2022	<u>13</u>	SUMMONS Returned Executed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. 3 Spring Lane II LLC served on 11/28/2022, answer due 12/19/2022. (Alonso, Andres) (Entered: 12/27/2022)
12/27/2022	<u>14</u>	SUMMONS Returned Executed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. HomeAway.com, Inc. served on 11/29/2022, answer due 2/2/2023. (Alonso, Andres) (Entered: 12/27/2022)
12/27/2022	<u>15</u>	SUMMONS Returned Executed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. Vrbo Holdings, Inc. served on 11/28/2022, answer due 2/2/2023. (Alonso, Andres) (Entered: 12/27/2022)
01/11/2023	<u>16</u>	ANSWER to Complaint by Pamela A. Miller. (Attachments: # <u>1</u> Appendix) (Lainhart, Angela) (Entered: 01/11/2023)
01/11/2023	<u>17</u>	ANSWER to <u>1</u> Complaint, by Peter C. Miller. (Attachments: # <u>1</u> Appendix) (Lainhart, Angela) (Entered: 01/11/2023)
01/11/2023	<u>18</u>	NOTICE to Take Deposition by Pamela A. Miller. (Lainhart, Angela) (Entered: 01/11/2023)
01/11/2023	<u>19</u>	NOTICE to Take Deposition by Peter C. Miller. (Lainhart, Angela) (Entered: 01/11/2023)
01/12/2023		ORDER re <u>19</u> Notice to Take Deposition filed by Peter C. Miller, <u>18</u> Notice to Take Deposition filed by Pamela A. Miller. The parties are advised that discovery documents should not be filed on ECF unless annexed as an exhibit to a motion to compel. Additionally, the Court notes that all discovery conducted in this case must be conducted in accordance with the Federal Rules of Civil Procedure, not the CPLR as stated in the notices. Ordered by Magistrate Judge Arlene R. Lindsay on 1/12/2023. (BJ) (Entered: 01/12/2023)
01/13/2023	<u>20</u>	NOTICE of Appearance by Luke William Nikas on behalf of HomeAway.com, Inc., Vrbo Holdings, Inc. (aty to be noticed) (Nikas, Luke) (Entered: 01/13/2023)
01/13/2023	<u>21</u>	STIPULATION re: <i>Extension to Respond to Complaint</i> by HomeAway.com, Inc., Vrbo Holdings, Inc. (Nikas, Luke) Modified on 1/17/2023 (RI). (Entered: 01/13/2023)
01/17/2023		ORDER re <u>21</u> : The time for HomeAway.com, Inc. and Vrbo Holdings, Inc. to answer, move or otherwise respond to the complaint is extended to and including February 24,



		2023. Ordered by Magistrate Judge Arlene R. Lindsay on 1/17/2023. c/ecf (RI) (Entered: 01/17/2023)
01/17/2023	<u>22</u>	NOTICE of Appearance by Alexander Sixto Del Nido on behalf of HomeAway.com, Inc., Vrbo Holdings, Inc. (aty to be noticed) (Del Nido, Alexander) (Entered: 01/17/2023)
02/24/2023	<u>23</u>	NOTICE of Appearance by Harvey J Wolkoff on behalf of HomeAway.com, Inc., Vrbo Holdings, Inc. (aty to be noticed) (Wolkoff, Harvey) (Entered: 02/24/2023)
02/24/2023	<u>24</u>	Letter to Honorable Judge Gary R. Brown by HomeAway.com, Inc., Vrbo Holdings, Inc. (Wolkoff, Harvey) Modified on 2/27/2023– modified event type from Letter to Motion for Pre Motion Conference. (GO). (Entered: 02/24/2023)
02/28/2023		<p>ORDER granting <u>24</u> Motion for Pre Motion Conference.</p> <p>A pre-motion telephone conference is scheduled for March 29, 2023 at 2:00 PM before Judge Gary R. Brown, at which time the parties should be prepared to address Defendants' anticipated motion pursuant to Rule 12 of the Federal Rules of Civil Procedure, DE 24. <b>The parties are to call (888) 363-4734 using ACCESS CODE 4132441 five minutes prior to the designated time.</b></p> <p>The parties are on notice that in appropriate cases, the pre-motion letter and the response, along with the parties' arguments made at the pre-motion conference, may be construed at the discretion of the Court as the motion itself. Arguments not raised in the pre-motion letters or during the pre-motion conference shall be deemed waived. <i>See In re Best Payphones, Inc.</i>, 450 F. App'x 8, 15 (2d Cir. 2011).</p> <p>The Plaintiffs are directed to respond to DE 24 in accordance with the undersigned's individual rules by March 15, 2023. At the conference, the Court will issue a briefing schedule if necessary.</p> <p>Before requesting an adjournment, the parties shall meet and confer and submit a joint letter with several proposed dates. The parties and other attendees to the conference are also reminded that the recording of any proceeding of the Court, including this conference, is prohibited under Local Rule 1.8.</p> <p>Ordered by Judge Gary R. Brown on 2/28/2023. (LJ) (Entered: 02/28/2023)</p>
03/09/2023	<u>25</u>	SCHEDULING ORDER: Rule 26 Meeting Report due by 4/12/2023. See the attached Order for details. Ordered by Magistrate Judge Arlene R. Lindsay on 3/9/2023. (Attachments: # <u>1</u> Rule 26(f) form) c/ecf (RI) (Entered: 03/09/2023)
03/15/2023	<u>26</u>	Letter in Response to Pre-Motion Letter by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Alonso, Andres) (Entered: 03/15/2023)
03/29/2023	<u>27</u>	Minute Entry for proceedings held before Judge Gary R. Brown: Pre Motion Conference held on 3/29/2023. Counsel for all sides present. Pre-motion conference held. Motion argued. The Court deems the motion made. Other: For the reasons set forth on the record, the motion is granted. Plaintiff is granted 45 days to file an amended complaint. SEE ATTACHED FOR FURTHER DETAILS. (FTR Log #2:00-2:30.) (JC) (Entered: 04/03/2023)
04/03/2023	<u>28</u>	Subpoena by Peter C. Miller. (Attachments: # <u>1</u> Exhibit) (Lainhart, Angela) (Entered: 04/03/2023)
04/06/2023	<u>29</u>	REPORT of Rule 26(f) Planning Meeting (Alonso, Andres) (Entered: 04/06/2023)
04/18/2023	<u>30</u>	Subpoena by Peter C. Miller. (Attachments: # <u>1</u> Subpoena) (Lainhart, Angela) (Entered: 04/18/2023)
04/19/2023		SCHEDULING ORDER: An Initial Conference is scheduled for May 31, 2023 at 11:45 AM by telephone before Magistrate Judge Arlene R. Lindsay. The Court will initiate the conference call. The parties are directed to dial (888) 278-0296 prior to the scheduled time to access the call center. At the prompt enter access code 9424335. Ordered by Magistrate Judge Arlene R. Lindsay on 4/19/2023. c/ecf (RI) (Entered: 04/19/2023)

04/21/2023	<u>31</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Proceedings held on March 29, 2023, before Judge Gary R. Brown. Transcriber AA Express Transcripts, Telephone number 888-456-9716. Email address: contact@aaexpresstranscripts.com. Transcript may be viewed at the court public terminal or purchased through the Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 5/12/2023. Redacted Transcript Deadline set for 5/22/2023. Release of Transcript Restriction set for 7/20/2023. (KS) (Entered: 04/21/2023)
05/12/2023	<u>32</u>	AMENDED COMPLAINT against All Defendants, filed by Alisa Beth Wiener, Zachary Weiner, Lewis Steven Wiener. (Alonso, Andres) (Entered: 05/12/2023)
05/25/2023	<u>33</u>	ANSWER to <u>32</u> Amended Complaint by Pamela A. Miller, Peter C. Miller. (Lainhart, Angela) Modified on 5/26/2023 to edit filers(JC). (Entered: 05/25/2023)
05/25/2023	<u>34</u>	ANSWER to <u>32</u> Amended Complaint by Peter C. Miller, Pamela A. Miller. (Lainhart, Angela) Modified on 5/26/2023 to edit filers(JC). (Entered: 05/25/2023)
05/26/2023	<u>35</u>	Letter MOTION for pre motion conference <i>Request for Pre-Motion Conference</i> by HomeAway.com, Inc., Vrbo Holdings, Inc. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Wolkoff, Harvey) Modified on 5/30/2023 to edit to a motion(JC). (Entered: 05/26/2023)
05/31/2023	<u>36</u>	Minute Entry for proceedings before Magistrate Judge Arlene R. Lindsay.Conference held on 5/31/2023. Document discovery will proceed as to the Miller defendants. Discovery is stayed as to Homeaway.com and Vrbo Holdings, Inc. A just status report shall be filed by September 1, 2023. A status conference is scheduled for September 6, 2023 at 12:00 p.m. The parties are directed to dial (888) 684-8852 prior to the scheduled time to access the call center. At the prompt enter access code 7625765. c/ecf (RI) (Entered: 06/02/2023)
06/22/2023	<u>37</u>	Subpoena by Peter C. Miller, Pamela A. Miller. (Attachments: # <u>1</u> Exhibit subpoena) (Lainhart, Angela) (Entered: 06/22/2023)
07/17/2023	<u>38</u>	Letter by Pamela A. Miller (Attachments: # <u>1</u> Subpoena) (Lainhart, Angela) (Entered: 07/17/2023)
07/18/2023	<u>39</u>	Subpoena re <u>38</u> Signed by Arlene R. Lindsay, U.S.M.J. on 7/18/2023. c/ecf, a copy of the subpoena with an unredacted signature was forwarded to counsel. (RI) Modified on 7/18/2023 (RI). (Entered: 07/18/2023)
07/27/2023	<u>40</u>	Letter to the Honorable Judge Gary R. Brown regarding Vrbo Defendants' Pre-Motion Conference Request by HomeAway.com, Inc., Vrbo Holdings, Inc. (Wolkoff, Harvey) (Entered: 07/27/2023)
08/04/2023		ORDER. Plaintiffs are directed to respond to defendants' letter seeking a pre-motion conference, DE 35, in compliance with the undersigned's individual rules on or before August 11, 2023. Ordered by Judge Gary R. Brown on 8/4/2023. (MR) (Entered: 08/04/2023)
08/11/2023	<u>41</u>	NOTICE of Appearance by David Bruce Krangle on behalf of All Plaintiffs (aty to be noticed) (Krangle, David) (Entered: 08/11/2023)
08/11/2023	<u>42</u>	Letter in Response to Pre-Motion Letter by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Krangle, David) (Entered: 08/11/2023)
09/01/2023	<u>43</u>	STATUS REPORT REGARDING DOCUMENT DISCOVERY BETWEEN PLAINTIFFS AND MILLER DEFENDANTS by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Alonso, Andres) (Entered: 09/01/2023)
09/06/2023		ORDER re <u>43</u> : In light of the anticipated motion, the September 6, 2023 conference is adjourned without date. The parties are directed to submit a further status report following the pre-motion conference before District Judge Brown or by October 6, 2023. Ordered by Magistrate Judge Arlene R. Lindsay on 9/6/2023. c/ecf (RI) (Entered: 09/06/2023)
09/29/2023	<u>44</u>	MEMORANDUM AND ORDER Dismissing Parties: Based on the foregoing (Please see attachment for further details), plaintiff's complaint is <b>DISMISSED</b> with prejudice as to defendants Homeaway.com, Inc. and Vrbo Holdings, Inc. So Ordered by Judge

		Gary R. Brown on 9/29/2023. (AF) (Entered: 09/29/2023)
10/04/2023		ORDER finding as moot <u>35</u> Motion for Pre Motion Conference Ordered by Judge Gary R. Brown on 10/4/2023. (LJ) (Entered: 10/04/2023)
10/05/2023		ORDER: In light of the Memorandum and Order <u>44</u> dated September 29, 2023, the parties are directed to submit a joint status report by 10/16/2023. Ordered by Magistrate Judge Arlene R. Lindsay on 10/5/2023. c/ecf (RI) (Entered: 10/05/2023)
10/06/2023	<u>45</u>	STATUS REPORT AS TO DISCOVERY by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Alonso, Andres) (Entered: 10/06/2023)
10/11/2023		SCHEDULING ORDER: Deadline for filing motion for joinder of additional parties or amendment of pleadings is November 10, 2023. All discovery, inclusive of expert discovery, to be concluded by March 29, 2024. Any party planning on making a dispositive motion must take the first step in the motion process by April 15, 2024. The parties are to electronically file a joint proposed pretrial order in compliance with the district judge's individual rules, signed by counsel for each party, on or before May 10, 2024. A final conference is scheduled for May 14, 2024 at 11:30 a.m. Ordered by Magistrate Judge Arlene R. Lindsay on 10/11/2023. c/ecf (RI) (Entered: 10/11/2023)
10/30/2023	<u>46</u>	Letter MOTION for pre motion conference <i>prefatory to motion for final judgment under Rule 54(b)</i> by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener. (Alonso, Andres) (Entered: 10/30/2023)
11/02/2023	<u>47</u>	First MOTION for Extension of Time to File <i>Motion to Join New Parties</i> by Peter C. Miller, Pamela A. Miller. (Lainhart, Angela) (Entered: 11/02/2023)
11/03/2023		ORDER granting <u>47</u> Motion for Extension of Time to File. Deadline for filing motion for joinder of additional parties or amendment of pleadings is extended until December 11, 2023. All other dates set forth in the Amended Scheduling Order entered on October 11, 2023 remain unchanged. Ordered by Magistrate Judge Arlene R. Lindsay on 11/3/2023. (BJ) (Entered: 11/03/2023)
11/09/2023		ORDER. Defendants are directed to respond to DE 46, indicating their position as to an entry of final judgment under FRCP 54(b), by November 16. Ordered by Judge Gary R. Brown on 11/9/2023. (JP) (Entered: 11/09/2023)
11/15/2023	<u>48</u>	Letter <i>Response Regarding Entry of Final Judgment under FRCP 54(b)</i> by HomeAway.com, Inc., Vrbo Holdings, Inc. (Wolkoff, Harvey) (Entered: 11/15/2023)
11/16/2023	<u>49</u>	RESPONSE to Motion re <u>46</u> Letter MOTION for pre motion conference <i>prefatory to motion for final judgment under Rule 54(b)</i> filed by Peter C. Miller, Pamela A. Miller. (Lainhart, Angela) (Entered: 11/16/2023)
11/17/2023		ORDER denying <u>46</u> Motion for Pre Motion Conference. Entry of final judgment will wait until resolution of the balance of the case. Ordered by Judge Gary R. Brown on 11/17/2023. (JP) (Entered: 11/17/2023)
05/09/2024	<u>50</u>	NOTICE of Settlement of <i>claims against Miller Defendants</i> by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Alonso, Andres) (Entered: 05/09/2024)
05/13/2024		ORDER: With respect to the conference scheduled for May 14, 2024 at 11:30 AM. The conference call instructions have changed to the following: The parties are directed to dial 571-353-2301 prior to the schedule time to access the call center. At the prompt enter Meeting ID 947431785. The Host will admit all from the waiting room. If there is a delay, please remain on the line until the Host admits you as the Court may be concluding a prior call. Ordered by Magistrate Judge Arlene R. Lindsay on 5/13/2024. c/ecf (RI) (Entered: 05/13/2024)
05/13/2024		ORDER: In light of the recently filed Notice of Settlement <u>50</u> , the Court will adjourn the May 14, 2024 final conference and the deadline to submit the proposed joint pretrial order without date. The plaintiff is directed to file a status report regarding the remaining defendants by May 24, 2024. Ordered by Magistrate Judge Arlene R. Lindsay on 5/13/2024. c/ecf (RI) (Entered: 05/13/2024)
05/23/2024		ORDER re <u>50</u> . The parties shall file a joint status letter within 30 days as to the anticipated settlement pursuant to Local Rule 83.2(b). Ordered by Judge Gary R. Brown on 5/23/2024. (JP) (Entered: 05/23/2024)



05/23/2024	<u>51</u>	STATUS REPORT <i>in compliance with the Court's order of May 13, 2024</i> by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener (Alonso, Andres) (Entered: 05/23/2024)
06/21/2024	<u>52</u>	STATUS REPORT <i>REGARDING SETTLEMENT IN COMPLIANCE WITH COURT'S MAY 23, 2024 ORDER</i> by Zachary Weiner, Alisa Beth Wiener (Alonso, Andres) (Entered: 06/21/2024)
06/27/2024		ORDER re <u>52</u> . In light of the representations made by counsel in DE 52, plaintiff shall submit their motion for settlement approval by August 5, 2024. Ordered by Judge Gary R. Brown on 6/27/2024. (JP) (Entered: 06/27/2024)
08/05/2024	<u>53</u>	First MOTION for Settlement <i>Approval of Wrongful Death</i> by Zachary Weiner, Alisa Beth Wiener. (Attachments: # <u>1</u> Declaration Consent and request for approval by Zachary Wiener, # <u>2</u> Declaration of Legal Services, # <u>3</u> Exhibit Letters of Administration Jillian and Lindsay Wiener, # <u>4</u> Exhibit Letters of Administration Lewis Wiener, # <u>5</u> Exhibit Email confirming resolution of subrogation claim, # <u>6</u> Exhibit Expenses for which reimbursement is sought, # <u>7</u> Proposed Order Approving Settlement, # <u>8</u> Certificate of Service) (Alonso, Andres) (Entered: 08/05/2024)
08/27/2024	<u>54</u>	MEMORANDUM OF DECISION & ORDER granting <u>53</u> Motion for Settlement: Based on the foregoing, the Court hereby APPROVES the settlement agreement between the parties to the extent set forth herein. The proposed settlement order, DE 53–7, will be So Ordered after 14 days of the date of this Order, at which time the Clerk of the Court will be respectfully directed to close the case. SEE ATTACHED ORDER FOR FURTHER DETAILS. So Ordered by Judge Gary R. Brown on 8/27/2024. (JC) (Entered: 08/27/2024)
09/17/2024		ORDER re Proposed Settlement Agreement. Pursuant to this Court's Memorandum of Decision and Order dated August 27, 2024, and without any further application by the parties, the proposed settlement agreement, Docket Entry 53–7, is hereby So Ordered. Ordered by Judge Gary R. Brown on 9/17/2024. (JP) (Entered: 09/17/2024)
09/17/2024		Civil Case Terminated; Case closed based on Settlement (JC) (Entered: 10/07/2024)
10/09/2024	<u>55</u>	NOTICE OF APPEAL by Zachary Weiner, Alisa Beth Wiener, Lewis Steven Wiener. Filing fee \$ 605, receipt number ANYEDC–18372193. (Alonso, Andres) (Entered: 10/09/2024)
10/10/2024		Electronic Index to Record on Appeal sent to US Court of Appeals. <u>55</u> Notice of Appeal Documents are available via Pacer. For docket entries without a hyperlink or for documents under seal, contact the court and we'll arrange for the document(s) to be made available to you. (KS) (Entered: 10/10/2024)